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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
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Consideration of reports submitted by States parties under article 35 of the Convention

List of issues in relation to the initial report of Poland

Addendum

Replies of Poland to the list of issues*

[Date received: 31 May 2018]

* The present document is being issued without formal editing.

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1. Implementation of the rights of persons with disabilities

1. The aims of the For Life Programme (December 2016), which provides comprehensive support for families, are to facilitate the full and genuine social integration of persons with disabilities and to offer support to families. Annually, 600 million zlotys (ZI) are spent on its implementation. The Programme includes the following initiatives:

- Support for pregnant women and their families
- Comprehensive health care for pregnant women, especially in complicated cases, and during childbirth and the postnatal period
- A network of homes for mothers with children and pregnant women
- Assistance for pregnant schoolgirls to enable them to continue their education
- Early support for child development
- Coordination of neonatal and paediatric care
- Early rehabilitation of children
- Establishment of coordination, rehabilitation and care centres to foster child development from the time a disability or potential disability is identified until the child starts school
- The granting of a one-time payment of ZI 4,000 when a child is born with severe and irreversible disabilities or an incurable and potentially fatal disease that developed during pregnancy or at the time of birth
- Support and rehabilitation services
- Respite services
- Psychological and social support for families
- Support for caregivers in areas including finding a job, flexible working, subsidized employment for unemployed caregivers, telecommuting and incentives for caregivers to take up employment
- Incentives to help caregivers set up their own business
- Housing support
- Improved provision of housing for families with children with disabilities
- Coordination, advice and information
- Strengthening the role of family assistants in the coordination of support for pregnant women and families with children who have an illness or disability
- Creation of a database on the forms of support provided to families, persons with disabilities and their caregivers

2. Other initiatives: see questions Nos. 37 and 47.

3. The following amendments have been made to the Penal Code, the Juvenile Criminal Justice Act and the Code of Criminal Procedure (March 2017):

- Committing an offence against persons considered vulnerable due to their age or state of health has been made an aggravating factor for the purposes of sentencing.
- Introduction of the offence of ill-treatment: physical or psychological ill-treatment of persons considered vulnerable due to their age or state of mental or physical heaith.
- Introduction of heavier penalties for abandonment of a vulnerable person.

4. The time allocated for the entrance examination (January 2013) and internship examination (July 2016) for lawyers, legal advisers and notaries has been extended by 50 per cent for candidates with disabilities.

5. Examples of amendments to the Social Assistance Act (2014–2018): new provisions relating to protected housing; the option of awarding a continuous allowance for the period preceding the issuance of a certificate attesting to the degree of disability.

6. Since 2018, social assistance centres use augmentative and alternative communication, such as sign language, Makaton, phonaesthesia, pictograms, Blissymbols and assisted communication, as required.

7. The new parking card conforms to the recommendation issued by the Council of the European Union regarding parking cards for persons with disabilities (98/376/EC), meaning it can be used in the European Union.

8. Co-financing from the State Fund for the Rehabilitation of Persons with Disabilities has increased in the areas of:

- Provision of rehabilitation equipment
- Elimination of physical, communication and technological barriers
- Inpatient rehabilitation treatment
- Cost of attending an annual occupational therapy workshop

9. Co-financing from the State Fund for the Rehabilitation of Persons with Disabilities has been introduced for the purchase, training and care of assistance dogs and for services to promote or support independent living, in particular personal assistance.

10. Cards identifying persons with disabilities or the degree of disability have been revised; Braille is now used and, upon request, details of a person's disability can be added in the form of a QR code.

11. The Disability Strategy for 2018–2030 is under development. The main aim of the Strategy will be to increase the participation of persons with disabilities in the social and professional spheres through the provision of comprehensive support for persons with disabilities at every stage of their lives. The priority areas for action are:

- Health and social services, including individualized support, appropriate health and care services and full rehabilitation
- Inclusive education, lifelong learning and higher education
- Work, including preparation for employment, support in finding employment, equal opportunities, support for self-employment and promotion of flexible forms of employment
- Accessibility of public buildings and those open to the public, public spaces, transportation, electronic services and information
- Access to culture, tourism and sport
- Awareness-raising on the rights of persons with disabilities; anti-discrimination policy

12. Other measures: see responses below.

2. Correction of errors in the translation of the Convention

13. Non-governmental organizations (NGOs) were consulted regarding the official translation of the Convention. The concerns that have now been raised were not highlighted at that time, with the exception of the translation of the term "legal capacity".

14. Article 1: the translation of the term "mental impairment" is indeed incorrect. Steps have been taken to remedy the translation published in the Journal of Laws.

15. Articles 2 and 27: the term "racjonalne usprawnienie" has been adopted. The term is used in Polish law and has a broader scope than the English and French terms, since it includes the concepts of improvement and responsiveness to needs. The term "accommodation" has several meanings and therefore several equivalents in Polish; in the

translation of articles 2, 5, 13, 14, 24 and 27, a number of terms have been used, including "modifications", "adjustments" and "adaptations", depending on the context.

16. Article 12: the translation reflects the content of article 12 of the Convention. During the negotiations, States decided to distinguish between "legal capacity" (subpara. 2) and "the exercise of legal capacity" (subparas. 3 and 4) and explicitly prohibited the withdrawal of legal capacity. Article 12 authorizes the use of protective measures that might limit the exercise of legal capacity. This position is borne out by the comments made by Denmark, Germany, France and Norway on the draft general comment on article 12 in 2014.

17. Article 19: the Polish text uses the terms "community" and "local community" as equivalents for the term "community", depending on the context.

18. Article 26: "abilitacja", the Polish equivalent of the term "habilitation", has a narrow meaning focusing on improving body function in children with malformations present from birth or acquired at an early stage. The term does not have a broader meaning. The term used to refer to the acquisition of skills and abilities that enable a person to operate in the community or to the restoration of physical fitness and skills following disablement is "rehabilitacja" (rehabilitation).

19. Article 28 (1): the highlighted term, namely the Polish equivalent of "welfare services", does not appear in the translation of this article.

3. Amendment of the definition and mechanisms of the determination of disability

20. The aim of the system for assessing disability is to evaluate, by means of a comprehensive test of physical and psychosocial abilities, the degree to which an individual can function independently in a range of social and professional spheres of life. Disability is defined as the inability to make use of privileges and rights to undertake a range of social roles effectively.

21. At the end of the second quarter of 2018, the interministerial team tasked with developing the system for assessing disability and fitness for work will present the outcome of its work, including an analysis of the functioning of the current systems and a bill on the assessment of disability and fitness for work. The new system is intended to improve the social and professional integration of persons with disabilities through, inter alia, more individualized support in a range of areas. The system will be universal; the outcome of assessments will be used to develop support measures in various spheres of life.

4. Consultations with organizations of persons with disabilities; monitoring the implementation of the Sustainable Development Goals

22. The members of the National Advisory Council for Persons with Disabilities have discussed matters including proposed cards for persons with disabilities, the bill on the For Life Programme to support pregnant women and families and the principles of the Disability Strategy.

23. Draft guidelines on the accessibility of goods and services (European Accessibility Act):

- April 2017 — Consultation meeting with organizations of persons with disabilities, meeting with the representatives of the Office of the Human Rights Defender
- September 2017 — Meeting between industries and organizations of persons with disabilities and the European Commission representatives tasked with negotiating the draft guidelines

24. Management of operational programmes of the European Union:

- Project consultations for all operational programmes; participation in monitoring committees
- Consultation on the financial perspective of the European Union for 2014–2020 and the principles for national and regional programmes, including activities aimed at the deinstitutionalization of social and health services

- Participation in the preparation of guidelines on the implementation of the principles of equal opportunities and non-discrimination, including accessibility standards, under European Union funds (2014–2020)
- Amendment of the guidelines for the implementation of projects in the areas of social inclusion and poverty alleviation through the European Social Fund and the European Regional Development Fund (2014–2020): consideration of the following proposals: inclusion of services provided by regular caregivers in the definition of care services, modification of provisions on priority support for persons with mental health problems, reduction of the maximum number of places in assisted accommodation to 12

25. 2018 — participation in designing the principles of the Accessibility Plus programme and consultations thereon. Examples of proposals made by NGOs that have been reflected in the programme include accessibility in school curricula, door-to-door transport services and improved access to health facilities.

26. The project "Implementation of the Convention on the Rights of Persons with Disabilities — a common cause" (March 2016 to February 2018): discussions with experts, officials, education and health professionals and persons with disabilities. Two reports have been prepared: one presenting the obstacles hindering the full participation of persons with disabilities in various areas of life and the other containing recommendations on policy areas relating to persons with disabilities.

27. Persons with disabilities participate in monitoring the implementation of the Sustainable Development Goals as part of the consultations on the government projects envisaged in legislation.

5. Training of professionals working with persons with disabilities

28. 2014–2015 — training sessions on managing disability in the workplace organized by the Ministry of Family, Labour and Social Policy for representatives of central, powiat (county) and commune government administrations responsible for human resources management.

29. Training sessions organized by the Ministry of the Interior and Administration: 2014 — Persons with disabilities in the workplace; 2015 — Rights of persons with disabilities in dealings with the authorities.

30. Training of personnel in the Ministry of Infrastructure and Development, 2015–2017:

- Design of accessible services, accessibility of information and communication technologies and accessibility of websites
- Equality of opportunity, non-discrimination and accessibility and managing disability in the workplace
- Equality of opportunity and non-discrimination, accessibility standards in the context of the evaluation and implementation of projects co-financed by the European Union

31. Within the framework of the Digital Poland operational programme (2015–2017): training of members of the monitoring committee on the accessibility of information and communication technology, workshops on the principles of equality, non-discrimination and accessibility.

6. Eradication of discriminatory or stigmatizing terminology

32. No stigmatizing or discriminatory terms may be used in draft legislation. When amending legislation in force, every effort is made to remove such terms.

33. When considering documents and draft legislation, the Office of the Plenipotentiary for persons with disabilities indicates, where appropriate, any such terms that need to be removed.

34. A number of initiatives were organized as part of the Media for Equal Opportunities project in 2012:

- Competition for experts and NGOs to promote non-discrimination and diversity in the media
- Competition for journalists
- Conference on the media's role in combating discrimination
- Training of media representatives and journalism students

7. Lifting of reservations to the Convention and accession to the Optional Protocol

35. The lifting of the reservations to articles 23 (1) (a) and (b) and article 25 (b) and of the interpretative declaration to article 12 has not been considered.

36. No date has been set for accession to the Optional Protocol.

8. Adoption of comprehensive anti-discrimination legislation

37. Polish legislation, as a system, guarantees the equality and dignity of persons with disabilities in all areas of life. According to article 32 of the Constitution, all persons are equal before the law. Constitutional rights and guarantees are reflected in ordinary legislation.

38. Additional information to the report.

39. The Civil Code provides for the protection of the rights of the individual. The list of protected property is not restricted.

40. Dignity, honour, liberty, physical integrity and mental and physical health are protected in criminal law. The motivation of the perpetrator is taken into account for the purposes of sentencing.

41. The Public Procurement Act provides for sanctions, in the form of exclusion from participation in the public procurement process, for contractors found guilty of criminal breaches of the rights of employees, including violations of the principle of non-discrimination.

9. Mechanism for discrimination-related complaints; access to legal aid; discrimination-related cases and decisions

42. Provision is made in Polish law for a legal avenue for the filing of complaints of alleged discrimination. The Labour Code, the Act on the implementation of some regulations of the European Union regarding equal treatment (for complaints lodged by parties other than employees) and the Civil Code (for protection of the rights of the individual) provide the legal basis for filing such complaints.

43. Full or partial exemptions from the costs of the proceedings on financial grounds and the right to seek an advocate or a legal adviser are provided for in law.

44. The Act of 5 August 2015 on free legal aid and legal education makes provision for the granting of assistance during the pretrial stage, including:

- The provision of information on the legislation in force and ways of resolving the situation
- Assistance in preparing a draft letter
- The preparation of a draft letter requesting exemption from court fees or the ex officio appointment of a representative, lawyer and/or legal adviser

45. According to the regulation of the Minister of Justice of 15 December 2015 on how to provide and document free legal aid services, the premises where such services are provided must be tailored to the needs of persons with disabilities.

46. Disability is included as a stand-alone condition for obtaining free legal aid in the bill on amendments to the Act on free legal aid and legal education submitted to the Diet by the President of the Republic of Poland.

47. For statistical data, see annex No. 1.

10. Combating discrimination against persons with disabilities on grounds of sexual orientation; prohibition of conversion therapy

48. The prohibition of discrimination is comprehensive: see responses to questions Nos. 1, 8 and 11.

49. Conversion therapy does not feature in the list of publicly funded health-care services.

11. Implementation of the recommendation of the Committee on the Elimination of Discrimination against Women (CEDAW/C/POL/CO/7-8, para. 25 (b)); reporting of violent incidents; eliminating impunity for perpetrators of violence

50. The deadline for the submission of the report on the implementation of the Convention, including information on the implementation of the recommendation, is November 2018.

51. Violent incidents may be reported to:

- The police
- The Prosecutor's Office
- Social assistance services
- Municipal interdisciplinary teams tasked with combating violence
- Health services
- Schools
- NGOs working in the field of combating violence
- Blue Line advisers
- Information and response telephone numbers

52. The activities carried out within the framework of the National Programme to Combat Family Violence 2014–2020 are aimed at all victims of violence and include the following initiatives:

- 35 specialized support centres for victims of family violence
- Corrective and educational programmes for perpetrators of domestic violence
- The "I choose support" media campaign, aimed at victims, witnesses and perpetrators of violence (2017)
- A national survey assessing the extent of violence and the effectiveness of support (2017)
- The launch of a free telephone helpline, available 24 hours a day, 7 days a week (2017)
- Annual training for front-line workers
- Programme to combat family violence and gender-based violence, the aim of which is to strengthen actions through cooperation between central institutions, local government entities and NGOs

53. A project was implemented between 2013 and 2015 to develop a new systemic approach to rights for victims of sexual violence and provide comprehensive information services, training and activities. More than 1 million leaflets, brochures and posters were sent to police forces, local government entities and NGOs. A website was set up with information on how to deal with violence and details of institutions and organizations

providing assistance. Training was provided to representatives of institutions assisting women who are victims of violence.

12. Legislation, policies and programmes to ensure the realization of the rights of women with disabilities and the inclusion of women with disabilities in gender equality policies and other legislation and policy areas

54. The initiatives in force are broad in scope: see questions Nos. 1, 8, 11 and 15.

13. Deinstitutionalization of children in care and access to community care

55. From 1 January 2020, children below the age of 10 years will no longer be permitted to live in care homes or educational establishments. From 1 January 2021, the maximum number of children living at a centre will be capped at 14.

56. Efforts are being made to develop models for family-based care and to professionalize foster parenting.

57. Further information on deinstitutionalization: see question No. 32; support from the European Social Fund: see question No. 50.

14. Promotion of a positive image of persons with disabilities; prohibition of hate speech

58. The Criminal Code does not provide for the offence of hate speech. The Code penalizes any conduct impacting on a person's dignity, honour, liberty, physical integrity or mental or physical health, regardless of the motivation of the perpetrator or the status of the victim. Committing an offence against a person considered vulnerable due to his or her age or state of health is an aggravating factor.

59. Civil law protects the rights of the individual, including in relation to health, freedom, honour, freedom of conscience, a person's name or pseudonym, a person's likeness, privacy of correspondence and place of residence. It therefore provides protection against hate speech, the use of which would affect the well-being of persons with disabilities.

60. As part of a project on equal treatment as a principle of good governance in the regions, a conference entitled "Combating hate speech — think globally, act regionally and locally" was held in 2014.

61. In order to prevent stigmatization of and discrimination against people with mental disorders and to promote a positive image of them, the National Mental Health Programme 2017–2022 provides for the development of rules on the portrayal of persons with mental disorders in the media and for informational and educational activities.

15. Legislative framework for accessibility; implementation of relevant legislation; promotion of universal design and reasonable accommodation

62. The provisions on accommodation in the workplace described in the report have not been updated.

63. The objective of the Friendly Poland — Accessibility Plus programme is to improve quality of life and ensure independent living for all, including persons with disabilities, by providing better access to public spaces, products and universal services. The pillars of the programmes are:

- Establishment of a legal and institutional framework for the implementation of accessibility
- Enhanced access to physical and digital infrastructure and services
- Accessibility of products and services as a means of increasing the competitive advantages of businesses, including in international markets

64. *In connection with the draft* directive on the accessibility of goods and services, coordination and information activities are being conducted to collect feedback from stakeholders and to help entities prepare to fulfil their obligations under the new directive.

65. The built environment:

- December 2016: Conference on accessible infrastructure to raise awareness among designers and public procurement officials of the needs of persons with disabilities and to share good practices, including the concept of universal design
- November 2017: Publication of a guide entitled "Accessibility standards for buildings: accommodating the needs of persons with disabilities through the concept of universal design"
- Ongoing work to improve investment and construction processes with the objective of, inter alia, strengthening the concept of universal design

16. Legislative framework for sign language and assistive technologies, including implementation

66. The measures described in the report remain in place.

17. Accessibility of websites of public institutions; accessibility of automated teller machines

67. The percentage of public institutions with accessible websites has risen from 22.9 per cent in 2016 to 48.2 per cent in 2018.

68. Following the transposition of Directive No. 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies, the Council of Ministers Regulation on the national interoperability framework ensures that the information and communication technology systems of public authorities conform to the level AA standards contained in the Web Content Accessibility Guidelines 2.0. The minimum requirements set forth in the framework apply to public registers, the electronic exchange of information and information and communication technology systems.

69. Work is under way on the Act on the digital accessibility of the websites and mobile applications of public bodies.

70. In 2017, the Polish Bank Association published the third edition of a volume of good practices in the provision of services to persons with disabilities. The document contains guidance on the removal of barriers to access to banking services and the use of video teller machines.

71. The Association is implementing the Accessible Automatic Teller Machines project, in cooperation with banks and the Widzialni Foundation. An accessible web-based service has been launched to provide access to the databases of banks and network operators of automatic teller machines offering accessible machines (more than 10,000 out of a total of 23,000).

72. The Association disseminates information in banks and on the websites of foundations and associations for persons with disabilities.

73. The obligation to ensure the accessibility of automatic teller machines derives from the European Accessibility Act.

18. Accessibility of buildings and the environment — the Public Procurement Act

74. The Public Procurement Act sets forth the obligations of the contracting authority in terms of ensuring that the subject of the contract is accessible for persons with disabilities or that the concept of universal design is applied. In connection with the works, delivery or services under procurement, the Act specifies the characteristics that equipment, products or services must have, including the requirement to adapt the design to the needs of all users, including persons with disabilities, depending on the subject matter of the procurement.

75. In addition, the Act of 29 November 2016 on concession agreements for construction works provides that the terms and conditions of a concession agreement may include, inter alia, requirements for adaptation to the needs of persons with disabilities, a

conformity assessment and specifications relating to branding and manner of use, as applicable.

19. Consideration of different forms of disability in evacuation plans

76. During rescue operations, the National Fire Service assesses, on a case-by-case basis, whether interaction is possible, the state of the victim and the type of assistance required.

77. The fire safety instructions for each facility are checked during evacuation drills. In the case of facilities for persons with disabilities, drills are always conducted in cooperation with the National Fire Service.

78. The regulation of the Minister of Infrastructure on technical specifications for buildings and their location and the regulation of the Minister of Interior and Administration of 7 June 2010 on fire protection in buildings, other facilities and spaces set forth measures to ensure that persons with disabilities are notified of risks and evacuated swiftly and safely.

79. Universal telephone service providers are required to route distress calls and messages using the 112 number to emergency call centres.

20. (a) Full restoration of legal capacity; (b) declaration of incapacity; (c) supported decision-making mechanism

80. The measures in place to protect persons involved in proceedings relating to a declaration of incapacity include the following:

- Courts are obliged to hear cases immediately, in the presence of a psychologist and, depending on the person's state of health, a psychiatrist or a neurologist.
- Two doctors must be present in order to avoid any errors in diagnosis, in particular with regard to the assessment of the degree of intellectual impairment.
- In addition to an evaluation of the person's mental health status, mental disorder or mental development, the opinion of the expert shall include a reasoned assessment of the person's ability to manage his or her behaviour and affairs independently.
- NGOs whose statutory tasks include the protection of the rights of persons with disabilities participate in hearings.
- Persons subjected to a declaration of incapacity have the right to apply for the declaration to be amended or lifted.
- Persons who are the subject of a declaration of incapacity have the right of appeal, including in cases where a temporary adviser or guardian has been appointed.
- If a person subjected to a declaration of incapacity has not requested a lawyer or legal adviser, one may be appointed on his or her behalf if he or she is unable to submit a request on account of his or her mental health and if the Court considers the participation of a lawyer or a legal adviser to be necessary.
- The prosecutor must participate in the hearing.
- Courts may order a probation officer to examine the social background of the person concerned to determine whether and how to establish a wardship or guardianship arrangement.

21. Procedural accommodation

81. Following the amendment of the Criminal Procedure Code in September 2013, the accused must be assisted by a lawyer when there is justifiable doubt as to whether:

- At the time of the commission of the act, the accused was fully capable of understanding his or her actions or controlling his or her behaviour, or whether his or her capacity to do so was limited.
- The accused's mental health allows him or her to participate in the proceedings or defence independently and in a reasonable manner.

82. In accordance with the amendment to the Regulations on the administration of ordinary courts (December 2017), access to Court offices shall take into account, to the extent possible, the needs of persons with disabilities.

22. Training of justice sector officials on the Convention

83. The participation of persons with intellectual and mental impairments in judicial proceedings is addressed in the course of training for prosecutors and judges organized by the National College of the Judiciary and Prosecution Service (working methods of judges and the Public Prosecutor's Office: hearing of the accused and a witness with a disability in a criminal case; place of questioning; participation of a sign language interpreter, physician or psychologist). Forensic psychiatry training covers how to determine the state of health of persons with intellectual disabilities. The training programme for judges covers how to interview persons with disabilities, including deaf-mute persons.

84. The rights of persons with disabilities form part of the in-service training programme. A course on European Union disability law and the United Nations Convention on the Rights of Persons with Disabilities was organized in 2016, in cooperation with the Academy of European Law (ERA). In 2018, the College is organizing training on the psychological aspects and perceptions of the work of Court offices employees, in which the issue of providing services to persons with disabilities will be addressed.

85. The basic and specialized training programmes for the police cover, inter alia:

- Procedures to be followed in the event of a report of an offence committed by a person with disabilities
- The handling of incidents involving persons with mental disorders and persons with disabilities
- Procedures applicable to persons with disabilities placed in detention cells or, in the case of children, emergency cells
- How to communicate with persons with disabilities
- How to negotiate with various groups of offenders, including persons with mental disorders

23. Reasonable accommodation in places of detention

86. Architectural barriers in existing prison buildings are being removed. New buildings include places for persons with disabilities.

87. Of the 153 penitentiary institutions (March 2018), 69 can accommodate wheelchair users (94 cells; 289 places) and persons with physical disabilities (8 cells; 24 places).

88. Communal areas of buildings (December 2017): 170 buildings are accessible for persons with disabilities, 12 buildings have been adapted, 56 are in the process of being adapted and there are plans to adapt a further 117.

89. In accordance with the regulation of the Minister of Infrastructure on technical specifications for buildings and their position, it is now mandatory to ensure the accessibility of penitentiary institutions and shelters housing minors.

24. Persons with disabilities placed in institutions without their consent; reintegration into the family and community; admission of persons with disabilities to psychiatric hospitals without their consent

90. No information is available on the number of persons placed in social welfare homes or care institutions without their consent. Each institution would have to be contacted separately to obtain such information.

91. The amendment to the Mental Health Protection Act (November 2017) has implemented the ruling of the Constitutional Court and the decision of the European Court of Human Rights; the procedure for admission to social welfare homes has been updated accordingly.

92. The admission of a person without his or her consent, but with the consent of his or her legal representative, requires the permission of the guardianship court.

93. In admissions procedures concerning minors over 16 years of age or adults who are subjected to a declaration of incapacity but who are able to express their views, the persons' consent must be obtained. If the statements are contradictory, the admission is subject to the authorization of the guardianship court.

94. It is now mandatory to review the state of a person's mental health periodically — at least once every six months — to assess whether he or she should remain in a social welfare home. A person subjected to a declaration of incapacity who is admitted to a social welfare home can request the guardianship court to amend the decision.

95. The regulation on social welfare homes now requires court permission to be obtained for the placement of minors and persons subjected to a declaration of incapacity in a social welfare home.

96. The Act has also clarified the conditions for the use of coercive measures in psychiatric hospitals and care facilities for persons with mental disorders.

97. Reintegration into the family: see question No. 32.

25. Placement of persons with disabilities in prison due to an impairment, prior to placement in a psychiatric hospital

98. Imprisonment or placement in preventive detention occur following a conviction for an offence or a court decision ordering preventive detention, respectively.

99. If their state of health so requires, persons in preventive detention may be placed in a medical facility, including a psychiatric hospital.

100. If it is determined that the perpetrator of an offence was unable to understand his or her actions or control his or her behaviour due to a mental illness, mental retardation or other mental disturbance, the proceedings are discontinued.

101. Under the conditions stipulated in the Criminal Code, alternatives to imprisonment may be applied in the form of electronic supervision, medical treatment or treatment for drug use ("forms of freedom") or admission to a psychiatric institution. Such measures are applied subject to a court ruling and, in the case of admission to a psychiatric institution, provided that the court finds that the conditions specified in law are met.

102. In order to implement a ruling on alternative measures in the form of admission to a psychiatric institution, the court determines the type of institution following consultation with the psychiatric committee for alternative measures.

103. The claim that a significant number of persons with disabilities are put in prison because of their impairment before being placed in a psychiatric hospital is baseless. The law does not permit the application of such measures.

26. Independent monitoring mechanisms relating to violence against persons with disabilities

104. Under the Mental Health Protection Act, judges are entitled to enter psychiatric hospitals and social assistance homes for mentally ill persons and persons with psychosocial disabilities at any time in order to ascertain the legality of admissions and stays in such institutions. Reviews also involve, among other things, the inspection of medical files concerning the use of coercive measures, evaluation of complaints procedures and communication with individuals who are staying in the facility. Judges carry out these reviews at least once a year or as needed.

105. The provision of health-care services is overseen by the Patients' Rights Ombudsman. Interested parties are also entitled to ask the Human Rights Defender or the Commissioner for Children's Rights to examine a particular case. Independent institutions working to combat violence include NGOs and Blue Line advisers.

106. See also the reply to question 11.

27. Reporting of cases of violence in care institutions

107. See reply to question 11.

108. Cases may also be reported to the Patients' Rights Ombudsman and to patient advocates in psychiatric hospitals.

28. Sentences imposed for violence against persons with disabilities

109. The requested disaggregated data are not available.

29. Repeal of provisions allowing for involuntary treatment

110. The provisions outlined in the report have not been amended.

30. Persons with disabilities in care institutions

Persons living in social assistance homes

Facility	*2012*	*2013*	*2014*	*2015*	*2016*
For persons with chronic somatic diseases	14 964	14 742	13 740	14 206	13 895
For persons with chronic mental illnesses	21 007	21 142	20 046	19 951	20 575
For adults with intellectual disabilities	11 595	12 471	11 475	11 145	10 727
For children and young persons with intellectual disabilities	5 471	3 928	3 908	3 672	3 610
For persons with physical disabilities	891	894	908	906	666

111. For care institutions, data disaggregated by type of disability are not collected.

31. Deinstitutionalization and creating the conditions for independent living

112. The use of sheltered accommodation removes the need for referrals to care institutions and helps to create the conditions for leading as independent a life as possible, learning to live autonomously and maintaining social ties in the local community.

113. An amendment to the Social Assistance Act in 2017 introduced the following categories of sheltered accommodation:

- Sheltered training accommodation where, in addition to basic services, training, development and strengthening of skills for independent living, self-care and participating in the local community are provided in order to foster independent living.
- Sheltered support accommodation for persons with disabilities, older persons and persons living with chronic illnesses, where individuals are provided with basic services and assistance with daily and social activities in order to maintain or develop their independence, depending on their psychophysical abilities.

114. Defining the scope of the services provided in different types of housing enables services to be individualized.

Sheltered accommodation

	Units	*Places*	*Beneficiaries*
2013	637	2 387	2 442
2014	682	2 661	2 709
2015	660	2 605	2 593
2016	703	2 922	2 774

115. A project was launched in 2017 to develop standards and carry out pilot projects relating to sheltered housing for persons with specific needs, taking into account the financing options for these types of accommodation. Regional social assistance homes, working in partnership with NGOs, are to formulate, by 2022, six standards for the services offered by sheltered housing facilities before implementing them on a pilot basis in 30 municipalities.

116. The European Union is co-financing 53 projects as part of a day-care centre pilot project. These centres are for persons whose state of health requires more than basic or specialist health care but not round-the-clock hospital care. The centre provides medical care alongside therapy and rehabilitation, with stays lasting between 30 and 120 days.

117. Examples of other projects implemented with co-financing from the European Social Fund include:

- Voivodship of Łódź: the "Blue Haven" (Błękitny port) project providing comprehensive support to persons with autism and another project delivering long-term care in the home for dependent persons in the commune of Ujazd
- Voivodship of Silesia: a day centre for terminally ill children living in the central subregion
- Voivodship of Mazowsze: the "In Harmony with the World" project supporting deinstitutionalization as an alternative form of care for dependent persons with mental illnesses, implemented in five towns

118. The various projects implementing the National Strategic Framework — the policy paper on health protection for the period 2014–2020 — include provision for:

- Developing standards for day-care centres as well as for environmental forms of assistance, mutual support and other alternative forms of care
- Supporting the creation and functioning of day-care centres and other forms of care for dependent persons
- Training caregivers, particularly family members
- Establishing centres for the rental of health-care equipment and assistive devices, while also providing consultations, offering training in how to use the equipment and creating the conditions for home-based care
- Providing support for telephone helplines and direct medical assistance (doctors, nurses and caregivers)
- Offering training and guidance on adapting medical institutions to meet the needs of dependent persons

119. The environmental model of psychiatric care is implemented within the framework of the National Mental Health Programme 2017–2022. A pilot project is currently being prepared with the aim of trialling a model based on mental-health centres providing comprehensive psychiatric care (including ad hoc, outpatient, environmental, daily and round-the-clock care).

120. Within the context of the social welfare system, a network of support centres for persons with mental health issues is being developed. Each powiat, or county, should have at least one mutual support centre.

121. A number of 24-hour centres are currently in development with a view to allowing stays for miscellaneous reasons or providing respite for caregivers.

122. The centres prevent the isolation and social exclusion of persons with mental illnesses, providing them with opportunities for personal development through learning or skills development and maintenance, while supporting caregivers and allowing them to work.

Mutual support centres

	Centres	*Places*	*Users*
2012	708	23 853	23 985
2013	728	25 184	25 393
2014	737	26 378	26 632
2015	760	27 796	28 073
2016	779	28 579	31 341

32. Mobility assistance

123. Forms of assistance under the "Active local self-government" programme implemented by the State Fund for the Rehabilitation of Persons with Disabilities:

- Funding for the purchase and installation of adaptive equipment for cars
- Co-financing or reimbursement of the cost of obtaining a category-B driving licence
- Support for the elimination of barriers to mobility, co-financing of the purchase of an electric wheelchair or a prosthetic limb, using the latest technology, including the maintenance costs thereof

124. In 2016, questions in sign language were introduced for the theoretical part of the driving test, which means that disabled persons can take the examination with other candidates on their chosen date.

125. In 2018, the Act on Vehicle Drivers was amended as follows:

- Waiver of the fee for the practical part of the driving test for disabled persons who have a medical certificate stating that they can drive a vehicle adapted to their illness, provided they use their own vehicle for the test
- Obligation to keep an online database of vehicles adapted to different types of disability and the training centres for drivers of such vehicles
- Partial or total hearing loss is not an obstacle to obtaining a driving licence in category C1, C, C1 + E or C + E

126. The municipalities are responsible for organizing transport to education and rehabilitation centres for primary and secondary school students. If the parents provide such transport themselves, the municipality must reimburse the costs.

33. Easy Read format

127. According to the regulations of the Council of Ministers on the national interoperability framework, minimum requirements for public registers and exchange of information in electronic form and minimum requirements for information and communications technology systems, information published by entities carrying out public functions must be in a format that complies with the Web Content Accessibility Guidelines (WCAG) 2.0.

128. Implementation — question No. 18.

34. Repeal of provisions denying the right to enter into marriage and to exercise family and parental rights

129. No legislative work is under way in this area.

35. Support for parents with psychosocial disabilities

130. Disabled parents receive support in the following areas:

- Analysis of the family situation and environment and the causes of family crisis
- Development of skills in the areas of care and child-rearing

- Awareness-raising on family planning and functioning
- Support for family integration or reintegration
- Prevention of marginalization and social degradation

131. Families are eligible to receive support from institutions that work with children and families, including family assistants, day-care centres and support families.

132. Support may be provided in the form of consultations and specialist advice, therapy and mediation, specialized care and services, legal assistance, support group meetings or self-help groups.

133. The For Life programme includes solutions to support the parents of disabled children:

- Co-financing of childcare places for children under the age of 3 who have a certificate of disability
- Respite services
- Strengthening the preventive dimension of the family assistant's work
- Support for entry into the labour market

134. The range of tasks for which the family assistant is responsible has been expanded and now includes coordinating support for pregnant women and their families, particularly in cases of high-risk pregnancies or if the baby is diagnosed with a serious and irreversible disability or an incurable, life-threatening illness either before delivery or at birth.

36. Access to employment for parents caring for a child who receives a disability allowance

135. Measures to support the return to employment of carers of disabled persons have been introduced under the For Life programme:

- Unemployed carers have access to subsidized jobs.
- Carers who cannot obtain unemployed status but who register as job seekers with the employment agency and are not in employment or do not perform any other paid work have access to labour market services and mechanisms.
- Support is provided for household tasks (excluding the personal care of a disabled person).

136. Under the programme, employees who care for disabled children or adults are entitled to ask their employer for flexible working arrangements, including teleworking, which the employer is obliged to grant.

137. Draft amendments to the law on social welfare in case of illness or maternity, which have been submitted to the Sejm, provide for payment of the carer's allowance to be extended from 14 to 30 days for temporary carers of a disabled child aged between 14 and 18 in the event of the regular carer's illness or childbirth.

37. Transition from special to inclusive education

138. In order to support schools in providing education to students with special educational needs, the provisions on the financing of special education and associated working methods were clarified in 2017. Changes have been made to vocational training, including the introduction of new professions for disabled students.

139. Alongside the work on a system for evaluating disability, efforts are being made in relation to the education of students with special educational needs. An evaluation of the child/student, taking account of his or her limitations and functional difficulties, strengths and aptitudes, and an environmental impact assessment will serve as the basis for planning support activities. The International Classification of Functioning, Disability and Health will be used in making a diagnosis and deciding on support measures. There are plans to establish support centres for inclusive education that will provide advice and consultation,

organize courses, including rehabilitation, and lend equipment, manuals and educational material adapted to the needs of disabled students.

140. A team working on changes to teacher training has been operational since 2017. The objective is to improve the quality of education, including for children with special educational needs.

141. Since 2008, work on new solutions for the education of students with special educational needs has received support from the European Commission's structural reform support programme and is being carried out in cooperation with the European Agency for Special Needs and Inclusive Education.

38. Children with disabilities in special and mainstream schools and personalized instruction — data

142. See annex No. 2.

39. Students with disabilities in vocational education and higher education — data

143. See annex No. 3.

40. Access to health care

144. Steps taken to improve access to health care include increasing public spending on health to 6 per cent of gross domestic product (GDP) by 2025, changes to the health-care management system and strengthening training of new medical personnel.

145. Activities undertaken as part of the second, pilot phase of the POZ PLUS model project for the preparation, testing and implementation of coordinated health care aim to improve the quality and availability of health care and enhance coordination of the care provided by public health services. Mapping of the health-care needs of each voivodship will help improve the availability of services.

146. The team for the improvement of children's and adolescents' mental health is tasked with preparing a vision for a new model of psychiatric care based on psychological counselling and education centres operating within the education system.

41. Access to sexual and reproductive health care by women with disabilities

147. Access to sexual and reproductive health care is guaranteed under the scope of general provisions. Health-care services in this field include psychological support, medical rehabilitation and palliative care.

148. The For Life programme includes a full range of health-care services for pregnant women, including for high-risk pregnancies, childbirth and post-partum care.

149. Information on the methods and measures of conscious procreation is passed on, when necessary, in the forms provided for under the Act on Sign Language and Other Means of Communication.

150. The main objective of the programme of full reproductive health care in Poland (2016–2020) is to increase the availability of high-quality services for the diagnosis and treatment of infertility. The programme includes the establishment of a network of referral centres responsible for educational activities, full diagnostics, psychological care, referral to other treatment and follow-up of treatment.

151. Issues related to reproductive health are covered in the 2016–2020 National Health Programme.

42. Compliance of legislation on rehabilitation with the human rights model of disability

152. Work is under way on amending the Ministry of Health's regulations of 6 November 2013 concerning medical rehabilitation services. There are plans to adapt the duration of rehabilitation to the real needs of the patient and to modify the rules governing the organization of rehabilitation. The intention is to introduce the principle by which patients who require additional social and professional support and highly specialized, coordinated

treatment upon leaving an inpatient facility will be dealt with by a single institution that will provide health care and social security with a view to preventing incapacity to work.

153. New draft standards on rehabilitation are being drawn up, including standards on paediatric, orthopaedic, initial and chronic rehabilitation and for persons with visual, hearing and speech impairments, including external, home-based and day-care facilities. The objectives are: intensive and effective rehabilitation of patients, more rapid recovery, less severe disability, return to work for a larger percentage of persons and reduction of social costs of disability.

154. The effectiveness of social and professional rehabilitation depends on a thorough evaluation of the potential and limitations of the disabled person, which is carried out as part of the process of determining disability status. The new disability evaluation system (question 3) will help support bodies to devise an optimized rehabilitation programme.

43. Employment of persons with disabilities

155. All the data relate to disabled persons who are of working age.

156. Labour market participation rate: 2017 — 28.9 per cent, 2016 — 26.8 per cent, 2015 — 25.9 per cent; employment rate: 2017 — 26.3 per cent, 2016 — 23.7 per cent, 2015 — 22.5 per cent; unemployment rate: 2017 — 9.3 per cent, 2016 — 11.6 per cent, 2015 — 13.0 per cent.

157. In 2017:

- Most active category: disabled persons aged between 35 and 44, labour market participation rate: 39.3 per cent, employment rate: 35.9 per cent; for 15–24-year-old age group: 18.2 per cent and 13.1 per cent, respectively
- Employment rate of persons with a mild disability: 36.6 per cent; persons with a moderate disability: 28.7 per cent; persons with a severe disability: 8.7 per cent
- Labour market participation rate of disabled persons who have completed higher education: 55.9 per cent; employment rate: 51.3 per cent; for persons with secondary education or lower: 12.1 per cent and 10.3 per cent, respectively
- Highest unemployment rate: disabled persons with general secondary education (15.8 per cent)
- Labour market participation rate: disabled men — 26.8 per cent, disabled women — 32.1 per cent; employment rate: men — 24.7 per cent, women — 28.8 per cent; unemployment rate: men — 8.1 per cent, women 10.3 per cent

158. As at December 2017:

- The majority of disabled employees registered in the system for the management of financing and repayments of the State Fund for the Rehabilitation of Persons with Disabilities were employed in the open labour market (53.1 per cent).
- 166,248 persons, of which 129,195 disabled persons, were employed in 1,038 sheltered workshops, while 5,926 persons, of which 4,505 disabled persons, were employed in 106 professional activity units.

44. Facilitating employment in the open labour market

159. All employers employing a disabled person may avail themselves of the support mechanisms provided for by law for the processional and social reintegration and employment of disabled persons, as outlined in the report on the implementation of the Convention.

45. Persons with disabilities living in poverty, eradicating poverty and improving the standard of living

160. Between 2012 and 2016, households with at least one child under the age of 16 who had a disability certificate were among the groups most at risk of poverty.

161. Since 2014, alongside a continuous decrease in the rates of extreme poverty and relative poverty, the rate of poverty among households with at least one disabled person has fallen steadily.

162. Statistical data — see annex No. 4.

163. The National Programme to Combat Poverty and Social Exclusion by 2020. A New Dimension of Active Inclusion aims to reduce the number of persons exposed to the risk of poverty and social exclusion by 1.5 million and increase social cohesion. The Programme is targeted at various groups, including disabled persons.

164. Measures to increase social activity and availability for work include:

- Activity and prevention services: providing access to quality social services for families with children; increased opportunities for the employment of parents, prevention of poverty
- Guarantees for young people's future: a coherent system of educational, social and professional activities — skills acquisition to facilitate social integration, employment and family development
- Active individual, integrated family, responsible local environment: development of a system of active inclusion to support the participation in social and professional life of individuals, families and communities at risk of exclusion
- Prevention of housing insecurity: providing access to affordable housing, increasing security for families and their employment, preventing the loss of housing and homelessness
- Older persons — secure, active and in demand: providing older persons and disabled persons with access to friendly forms of care and leisure as well as opportunities to participate in social life

165. Activities are financed by the State budget, the budgets of local self-governments and private and European funds, including the European Social Fund.

166. The Family 500+ programme, which has been implemented since 2016, supports families with children: a monthly allocation of Zl 500 is paid to each family for the second child up to the age of 18 and for the first child if revenue per person does not exceed Zl 800 (for families with a disabled child the amount rises to Zl 1,200).

46. Access to social housing programmes

167. The National Housing Programme, introduced in September 2016, supports housing development. The main goals of the Programme are to:

- Increase access to apartments for persons who cannot afford to buy or rent an apartment on the open housing market
- Help meet the basic housing needs of persons at risk of social exclusion
- Improve the technical condition of apartments
- Make a number of important changes to benefit disabled persons
- Make legal changes to improve the investment and construction processes
- Increase the supply of affordable housing to buy or rent
- Launch a programme for the construction of social housing, including the provision of low-rent housing for specific social groups
- Assist low-income households in covering housing costs

168. As part of the implementation of the For Life support programme for families, amendments were made to the following laws in March 2018:

- The law on financial support for the creation of social housing, protected housing, night shelters and houses for homeless persons — increase in financial support for

projects in which at least 5 per cent of apartments are allocated to families with disabled children; extension of the timeline for implementation of the project

- The law on the protection of the rights of tenants and on the property resources of the municipalities amending the Civil Code — in decisions on tenancy rules, municipalities must set the criteria to be met by premises for persons with disabilities
- The regulations of the Council of Ministers of 27 November 2017, amending the regulations on the modalities of reimbursable funding in the context of the implementation of the government housing support programme by Bank Gospodarstwa Krajowego, a State development bank, and the minimum requirements for housing created using these funds for families with children with disabilities that developed before or during childbirth or at a later stage

47. Accessibility of voting procedures

169. In addition to the information provided in the report, the following solutions are in place:

- The obligation to highlight, in a communication, the possibility of voting by correspondence and by proxy (as of 2014)
- The provision of information to disabled voters, at their request, concerning:
- The closest polling stations to their place of residence and polling stations adapted to the needs of disabled persons
- Electoral committees participating in elections, registered candidates and lists of candidates
- Voting conditions and forms of voting
- Preparation of information material in Braille on the rights of voters with disabilities by the National Electoral Commission
- The provision of information on the dates of elections, voting times, the method of voting, conditions for the validity of ballots and the possibility of voting by correspondence and by proxy (as of 2016)
- The obligation to adapt at least half of polling stations to the needs of voters with disabilities

170. The number of polling stations adapted to disabled persons is increasing; by 2017 half had already been adapted. Some municipalities provide transport to polling stations for disabled voters. The National Electoral Commission provides a sign-language version of information provided in audiovisual format.

48. Collection of statistical data on disability

171. Work has been undertaken to expand the scope of data on disabled persons and increase the frequency of data collection, including by incorporating the data available in the public administration and the results of statistical surveys. Data on disabled persons should be collected every year at the lowest territorial division of the country.

172. There are plans to monitor the situation of disabled persons by using sustainable development indicators, inter alia.

49. Use of European Union structural funds for deinstitutionalization

173. Deinstitutionalization, through the development of sheltered housing, is being carried out under the operational programme "Knowledge-Education-Development 2014–2020", in accordance with the Common European Guidelines on the Transition from Institutional to Community-Based Care (question No. 32 of the list of issues).

174. There are also regional operational programmes, such as the regional operational programme of the voivodship of Kujawsko-Pomorskie; two competitions will be held in

2018, as part of which projects for the development of sheltered and assisted housing will be selected.

175. Medical care services are being developed for dependent persons rather than placing them in institutions, with the financial support of the European Union and in accordance with the National Strategic Framework, the policy paper on health protection 2014–2020 at the national and regional levels (question No. 32).

50. Participation at all stages of international cooperation development programmes, implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals

176. The Multiannual Development Cooperation Programme 2016–2020 is the framework for the implementation of development cooperation. One of the priorities is human capital, encompassing the inclusion of persons from groups at risk of exclusion.

177. A working group in the Ministry of Enterprise and Technology is responsible for the implementation of the Sustainable Development Programme. Organizations of disabled persons are represented in the group by representatives of the Council on Public Interest Activities.

178. Organizations of disabled persons participate in consultations on draft documents on development cooperation in accordance with general procedures provided for by law.

51. The Human Rights Defender as an independent monitoring mechanism for the implementation of the Convention

Information from the Office of the Human Rights Defender

179. In view of its status as the national institution for the protection of human rights, the Office of the Human Rights Defender has been appointed as an independent monitoring mechanism to carry out tasks related to promotion, protection and implementation of the Convention. The Defender's new competences are not reflected in amendments to the Human Rights Defender Act.

180. In 2013, the Office of the Defender received additional funding of Zl 667,000 to perform its duties as the independent mechanism. In 2016 and 2017, the Defender was allocated a smaller budget than that requested, and smaller than in 2015. Such a budget is not sufficient to effectively carry out its functions.

181. The tasks of the equal treatment team in the Office of the Defender include monitoring implementation of the Convention. The team is made up of eight jurists, three of whom focus on the rights of disabled persons.

182. The Committee of Experts on Disability assists the Defender, submitting comments and recommendations on draft legislation or amendments as well as proposed amendments on which the Defender should be generally involved. The Committee was consulted on the Defender's report on the implementation of the Convention by Poland, submitted to the Committee on the Rights of Persons with Disabilities. The Committee is made up of representatives of NGOs and research centres and includes persons with different disabilities.

183. The Office of the Defender has also set up a committee of experts for deaf persons and a committee for the protection of mental health.

184. The Defender works with organizations of disabled persons and NGOs working for disabled persons.

Annex 1, paragraph 9

185. Comprehensive data on cases in which disability was the grounds for a violation of personal rights are not available.

186. Violation of the principle of equal treatment — all grounds — civil cases.

187. Article 13 of the Act on Implementation of Some Regulations of the European Union Regarding Equal Treatment.

District courts

Compensation for material and moral damage

	Pending from the previous year	*Received*	*Settled*							*Carried over to the following year*
				of which						
			Total	*In full or in part*	*Rejected*	*Referred*	*Returned*	*Dismissed*	*Other settlement*	
2014	2	1	**3**	1	1	0	0	0	1	0
2015	0	9	**7**	0	2	0	0	2	3	2
2016	2	9	**6**	0	1	3	0	1	1	5
2017	5	5	**5**	0	1	1	1	0	2	5

Compensation paid to social cause

2014	*0*	*2*	*1*	*0*	*0*	*1*	*0*	*0*	*0*	*1*
2015	1	2	3	0	0	1	0	0	2	0
2016	0	3	2	0	0	1	1	0	0	1
2017	1	2	2	0	0	0	0	1	1	1

Regional courts of first instance

Compeusation for material and moral damage

			Settled							
				of which						
	Pending from the previous year	*Received*	***Total***	*In full or in part*	*Rejected*	*Referred*	*Returned*	*Dismissed*	*Other settlement*	*Carried over to the following year*
2014	0	1	**0**	0	0	0	0	0	0	1
2015	1	3	**3**	0	1	2	0	0	0	1
2016	1	6	**6**	0	0	6	0	0	0	1
2017	1	3	**2**	0	0	1	1	0	0	2

Compensation paid to social cause

2014	0	0	0	0	0	0	0	0	0	0
2015	0	1	**0**	0	0	0	0	0	0	1
2016	1	2	**2**	0	1	0	0	0	1	1
2017	1	0	**1**	0	0	1	0	0	0	0

Regional courts of second instance

Compensation for material and moral damage

			Settled							
				of which						
	Pending from the previous year	*Received*	***Total***	*Rejected*	*Amended*	*Overturned or overturned and transferred to the court of first instance*	*Returned*	*Dismissed*	*Other settlement*	*Carried over to the following year*
2014	0	0	**0**	0	0	0	0	0	0	0
2015	1	0	**1**	1	0	0	0	0	0	0
2016	0	2	**2**	2	0	0	0	0	0	0
2017	0	4	**0**	0	0	0	0	0	0	4

Compensation paid to social cause

2014	0	1	**0**	0	0	0	0	0	0	1
2015	0	0	**0**	0	0	0	0	0	0	0
2016	0	0	**0**	0	0	0	0	0	0	0
2017	0	1	**0**	0	0	0	0	0	0	1

Courts of appeal, second instance

Compensation for material and moral damage

			Settled							
				of which						
	Pending from the previous year	*Received*	***Total***	*Rejected*	*Amended*	*Overturned or overturned and transferred to the court of first instance*	*Returned*	*Dismissed*	*Other settlement*	*Carried over to the following year*
2014	0	0	**0**	0	0	0	0	0	0	0
2015	0	0	**0**	0	0	0	0	0	0	0
2016	0	0	**0**	0	0	0	0	0	0	0
2017	0	0	**0**	0	0	0	0	0	0	0

Compensation paid to social cause

2014	0	0	**0**	0	0	0	0	0	0	0
2015	0	0	**0**	0	0	0	0	0	0	0
2016	0	0	**0**	0	0	0	0	0	0	0
2017	0	0	**0**	0	0	0	0	0	0	0

Cases concerning discrimination in the workplace — all grounds — article 11[3] of the Labour Code

First instance

		Settled							Carried over to the following year
			of which						
	Cases pending	**Total**	In full or in part	Rejected	Referred	Returned	Dismissed	Other settlement	
District courts									
2014	79	**47**	7	21	2	-	12	5	32
2015	72	**25**	2	13	2	-	3	5	47
2016	75	**41**	6	21	2	1	4	7	34
2017	80	**33**	5	7	-	1	6	14	47
Regional courts									
2014	12	**5**	1	3	1	-	-	-	7
2015	11	**6**	1	1	-	-	3	1	5
2016	18	**11**	-	2	1	-	2	6	7
2017	23	**9**	2	1	-	-	1	5	14

Second instance

		Settled							Carried over to the following year
			of which						
	Cases pending	**Total**	Rejected	Amended	Overturned or overturned and transferred to the court of first instance	Returned	Dismissed	Other settlement	
Regional courts									
2014	19	15	- -	1	1	-	-	-	3
2015	17	**16**	11	2	-	2	-	1	1
2016	15	**13**	8	1	1	-	2	1	2
2017	15	**15**	11	4	-	-	-	-	

		Settled						
			of which					
	Cases pending	***Total***	*Rejected*	*Amended*	*Overturned or overturned and transferred to the court of first instance*	*Returned*	*Dismissed*	*Other settlement*	*Carried over to the following year*
Appeal courts									
2014	4	**3**	3	-	-	-	-	-	1
2015	5	**2**	1	1	-	-	-	-	3
2016	4	**1**	1	-	-	-	-	-	3
2017	4	**2**	-	2	-	-	-	-	2

Cases concerning discrimination in the workplace

Victims of discrimination on the grounds of disability as a percentage of the total number of victims

2015	3.4 %
2016	6.6 %
2017	3.4 %

Claims concerning disability-based discrimination

Lodged with the Plenipotentiary for Equal Treatment

2014	*2015*	*2016*	*2017*
38	35	7	28

Annex 2 — paragraph 39 — pupils

Kindergarten and mainstream schools

	Multiple disabilities					*Blind*					*Visual impairment*					*Deaf*				
		of which					*of which*					*of which*					*of which*			
	Total	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*
2014	**8 840**	4 639	667	3 534	2 103	**154**	83	17	54	20	**6 291**	4 516	31	1 744	232	**889**	513	37	339	40
2015	**9 968**	5 410	724	3 834	2 157	**134**	79	13	42	20	**6 990**	5 148	30	1 812	268	**909**	526	17	366	36
2016	**11 281**	6 279	796	4 206	2 125	**135**	83	1	51	19	**7 247**	5 489	27	1 731	264	**943**	564	17	362	38
2017	**12 648**	7 223	865	4 560	1 997	**105**	61	1	43	15	**7 673**	5 935	22	1 716	252	**983**	594	21	368	26

	Hearing impairment					*Mild intellectual disability*					*Moderate or severe intellectual disability*				
		of which					*of which*					*of which*			
	Total	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*
2014	**8 153**	5 860	100	2 193	290	**24 477**	17 742	581	6 154	1 133	**4 978**	3 040	554	1 384	1 287
2015	**8 845**	6 458	110	2 246	268	**25 306**	18 529	478	6 299	1 175	**4 594**	2 883	480	1 231	1 168
2016	**9 180**	6 849	103	2 228	274	**26 307**	19 536	457	6 314	1 260	**4 388**	2 777	462	1 149	1 053
2017	**9 779**	7 467	94	2 218	226	**26 834**	20 282	392	6 160	1 203	**4 061**	2 522	428	1 111	864

	Mental disorder					*Physical disability, including aphasia*					*Autism, including Asperger syndrome*				
		of which					*of which*					*of which*			
	Total	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*
2014	**27**	22	0	5	12	**13 971**	6 891	98	6 982	1 381	**15 163**	7 595	571	6 997	1 271
2015	**33**	6	0	27	2	**16 311**	8 664	105	7 542	1 386	**19 548**	10 607	634	8 307	1 531
2016	**26**	20	0	6	8	**18 653**	10 566	134	7 953	1 363	**24 971**	15 075	741	9 155	1 643
2017	**13**	13	0	0	6	**21 187**	12 531	181	8 475	1 263	**30 992**	19 726	875	10 391	1 615

Kindergarten and special schools

	Multiple disabilities		*Blind*		*Visual impairment*		*Deaf*		*Hearing impairment*	
	Total	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*
2014	**17 304**	1 474	**249**	7	**1 001**	8	**1 570**	17	**807**	3
2015	**18 549**	1 460	**231**	9	**969**	10	**1 480**	10	**795**	8
2016	**19 573**	1 469	**215**	10	**935**	5	**1 273**	7	**850**	10
2017	**20 761**	1 418	**211**	12	**872**	9	**1 138**	10	**857**	10

	Mild intellectual disability		*Moderate or severe intellectual disability*		*Mental disorder*		*Physical disability, including aphasia*		*Autism, including Asperger syndrome*	
	Total	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*
2014	**24 158**	260	**21 361**	735	**0**	0	**1 235**	20	**1 974**	32
2015	**22 424**	254	**20 448**	689	**0**	0	**1 283**	22	**2 335**	28
2016	**20 815**	221	**19 293**	609	**5**	1	**1 281**	30	**2 823**	51
2017	**19 552**	187	**18 159**	556	**0**	0	**1 314**	36	**3 444**	40

Annex 3 — paragraph 40 — pupils

Mainstream vocational schools

	Multiple disabilities					*Blind*					*Visual impairment*					*Deaf*				
		of which					*of which*					*of which*					*of which*			
	Total	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*
2014	**251**	192	10	49	38	**15**	5	0	10	1	**437**	380	17	40	10	**69**	61	1	7	4
2015	**308**	251	13	44	43	**6**	5	1	0	1	**532**	475	21	36	17	**71**	65	0	6	5
2016	**320**	257	19	44	42	**12**	7	1	4	1	**568**	522	20	26	19	**67**	62	0	5	4
2017	**360**	294	19	47	61	**6**	3	1	2	0	**607**	572	15	20	24	**77**	72	0	5	7

	Hearing impairment					*Mild intellectual disability*					*Moderate or severe intellectual disability*				
		of which					*of which*					*of which*			
	Total	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*
2014	**812**	762	0	50	12	**2 738**	2 184	145	409	33	**38**	28	0	10	2
2015	**875**	824	1	50	17	**2 967**	2 460	107	400	44	**35**	33	1	1	4
2016	**977**	927	1	49	20	**3 047**	2 559	126	362	46	**40**	38	1	1	1
2017	**986**	948	0	38	17	**3 091**	2 622	135	334	54	**33**	30	0	3	2

	Physical disability, including aphasia					*Autism, including Asperger syndrome*				
		of which					*of which*			
	Total	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*	***Total***	*Mainstream classes*	*Special classes*	*Inclusive classes*	*Personalized education*
2014	**539**	454	1	84	92	**279**	244	1	34	39
2015	**585**	512	7	66	93	**456**	410	2	44	69
2016	**692**	608	6	78	206	**635**	571	4	60	83
2017	**809**	731	7	71	112	**931**	859	9	63	109

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Special vocational schools

	Multiple disabilities		*Blind*		*Visual impairment*		*Deaf*		*Hearing impairment*	
	Total	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*
2014	**1 312**	57	**83**	1	**300**	5	**641**	2	**245**	1
2015	**1 358**	60	**74**	2	**292**	5	**605**	2	**251**	5
2016	**1 385**	61	**64**	2	**277**	3	**522**	0	**236**	3
2017	**1 434**	66	**60**	2	**231**	5	**469**	0	**238**	2

	Mild intellectual disability		*Moderate or severe intellectual disability*		*Physical disability, including aphasia*		*Autism, including Asperger syndrome*	
	Total	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*	***Total***	*Personalized education*
2014	**9 780**	73	**211**	5	**299**	2	**78**	4
2015	**8 805**	65	**166**	4	**265**	5	**106**	3
2016	**7 889**	58	**142**	3	**275**	8	**136**	9
2017	**7 125**	41	**95**	2	**271**	8	**175**	5

Students with disabilities

Academic year	*Students with disabilities*	*Students with disabilities as a percentage of the total number of students*
2014/2015	27 730	1.9%
2015/2016	26 341	1.9%
2016/2017	25 074	1.9%
2017/2018	22 560	1.8%

Annex 4 — paragraph 46

Poverty — households with persons who have a disability certificate — percentage of persons in households with expenditure below the poverty line

		2013	*2014*	*2015*	*2016*
Relative poverty threshold	**Total**	**16.2**	**16.2**	**15.5**	**13.9**
	Household with at least one person with a disability	21.9	22.9	20.5	18.9
	of which				
	with a reference person with a disability	21.9	21.9	19.6	16.9
	with at least one child under the age of 16 with a disability certificate	25.8	29.9	21.1	22.5
	Households without persons with disabilities	14.6	14.4	14.1	12.6
Extreme poverty threshold (subsistence minimum)	**Total**	**7.4**	**7.4**	**6.5**	**4.9**
	Household with at least one person with a disability	10.8	10.8	9.1	7.5
	of which				
	with a reference person with a disability	10.9	10.2	9.1	6.6
	with at least one child under the age of 16 with a disability certificate	11.5	14.6	10.7	8.3
	Households without persons with disabilities	6.4	6.5	5.8	4.2
Statutory poverty threshold	**Total**	**12.8**	**12.2**	**12.2**	**12.7**
	Household with at least one person with a disability	16.6	16.7	15.8	17.0
	of which				
	with a reference person with a disability	14.7	14.6	13.2	13.9
	with at least one child under the age of 16 with a disability certificate	24.9	26.6	21.5	25.5
	Households without persons with disabilities	11.6	10.9	11.2	11.6

* The person with the highest income of all the members of the household

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